

## **REMARKS**

Claims 18-24 are pending in this application. Attached hereto is a complete listing of all claims in the application, with their current status listed parenthetically. By this Response, no claims are amended, cancelled or withdrawn.

### **Allowed Claims**

At the outset, Applicant acknowledges with appreciation the Examiner's indication that claims 20-22 are allowed.

### **Rejection Under 35 U.S.C. § 103**

In paragraph 3 of the Office Action, claims 18 and 19 stand rejected as unpatentable under 35 U.S.C. § 103(a) over U.S. patent 6,697,382 ("Eatherton") in view of U.S. Patent 6,347,084 ("Hulyalkar"). Applicant respectfully traverses this rejection.

#### **A. The Law of Obviousness**

In order to establish a prima facie case of obviousness, three basic criteria must be met:

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined), must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the applicant's disclosure." M.P.E.P. § 2142.

#### **The references must teach or suggest all of the claim limitations**

Even if the references were combinable they still do not teach all of the elements as recited in Applicant's claims 18 and 19. Specifically, the references are void of a "global time reference [that] includes a least significant part of the local clock of the first network device" as

recited in both claims 18 and 19. As noted by the Examiner: "Eatherton fails to disclose the global time reference including the least significant part of the local clock."

However, the Examiner's assertion that "Hulyalkar discloses sending timestamp information by a timestamp\_preset command (*least significant part of the local clock of the first device*)" is completely unfounded and unsupported in the Hulyalkar reference. In fact, a reading of the Hulyalkar reference reveals that there is no inference, teaching or suggestion that the "timestamp\_preset command," is related in any way to the concept, or element of the "least significant part of the local clock of the first device" as recited by Applicant. Instead, Hulyalkar teaches at Column 6, Lines 59 and 60, that the use of the timestamp\_preset command, "results in the loss of the global time information."

Regarding claim 19, the Examiner states:

"Eatherton discloses all of the claim limitations of claim 18, but fails to disclose broadcasting the most significant part of one of the network device local clocks periodically and conforming the most significant part of all local clocks to the broadcast most significant part. Hulyalkar discloses the base station broadcasting timestamp\_load command (*most significant part of the local clock of the first network device*), to wireless terminals to synchronize their respective timestamp register" (emphasis in original).

The Examiner's statement that Hulyalkar teaches "*most significant part of the local clock of the first network device*" is a complete mis-reading of Applicant's claim 19, which recites, in part: ". . . **does not include** a most significant part of the local clock of the first network device. . ." [emphasis added].

Thus, the Examiner is asserting that Hulyalkar teaches what the Applicant is expressly disclaiming. Therefore, the Examiner has provided the evidence that Hulyalkar fails to teach the claim elements missing from Eatherton, thereby eliminating Applicant's requirement to do so.

In summary, any combination of the cited references, Eatherton and Hulyalkar, fails to teach all the claim limitations present in claims 18 and 19. Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections.

In paragraph 4 of the Office Action the Examiner rejects claims 23 and 24 under U.S.C § 103(a) as being unpatentable over Eatherton, in view of US Patent 6,069,887 ("Geiger"). Applicant respectfully traverses this rejection. Even if the references were combined, the combination would still not teach all of the elements of claims 23 and 24. As the Examiner notes in paragraph 4, "Eatherton fails to disclose deriving global time reference from the local clock of the first device immediately after a frame synchronization portion of a packet is transmitted." (emphasis added).

The underlined element, found in Applicant's claim 23, is not taught or suggested in Geiger. As stated by the Examiner, Geiger teaches "**receiving** a packet with a time synchronization field value" but does not teach "deriving global time reference from the local clock of the first device immediately after a frame synchronization portion of a packet is **transmitted.**" Put differently, Geiger fails to teach or suggest when the global time reference is derived relative to a frame synchronization portion of a packet.

Regarding claim 24, Geiger fails to teach or suggest "comparing the local clock of a receiving network device at the instant that frame synchronization is detected to the transmitted global time reference." Instead, Geiger is silent as to when a comparison of clocks is accomplished relative to when frame synchronization is detected.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw the rejections of claims 23 and 24.

### Conclusion

Applicant believes that this Response has addressed all items in the Office Action and now places the application in condition for allowance. Accordingly, favorable reconsideration and allowance of claims 18-24 at an early date is solicited. Applicant notes with appreciation that claims 20-22 have been allowed. A one month extension of time fee is due and enclosed with this Response. The Commissioner is authorized to charge any additional fee required to our Deposit Account No. 50-3143, in the name of Pulse-Link, Inc. Should any issues remain unresolved, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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Date



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